

**WORKFORCE MIDSOUTH, INC.
GREATER MEMPHIS LOCAL WORKFORCE DEVELOPMENT AREA**

EFFECTIVE DATE:	July 1, 2020
DURATION:	Indefinite
POLICY:	Equal Opportunity and Nondiscrimination Complaint Policy
PURPOSE:	To provide uniform procedures for filing and resolving complaints alleging violations of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA)
REFERENCE(S):	WIOA sec. 188, 29 CFR 37.6

Policy

It is the policy of the Workforce Midsouth, Inc., (WMS)/GMLWDA to ensure nondiscrimination and equal opportunity in the operation and administration of all programs, services, and activities funded in whole or in part with WIOA funds. Any individual covered by WIOA who believes he or she, or a specific class of individuals, has been discriminated against has the right to file a formal complaint in accordance with the procedures set forth herein. Recipients of Title I WIOA funds must take appropriate steps to ensure that they are providing universal access to their programs and activities without regard to race or ethnicity, gender, age, disability, or other protected classification. In addition, reasonable steps should be taken to overcome language barriers and provide services and information to non-English speaking populations.

GMLWDA and recipients of WIOA grant funds will provide initial and continuing notice that it does not discriminate on any prohibited grounds to sub-recipients that receive WIOA Title I funds from the recipient, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and members of the public, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient.

The notice must contain language specifically prescribed by 29 CFR Section 37.30. The *Equal Opportunity Is the Law* notice maintained by Workforce Midsouth complies with this requirement and is attached hereto.

POSTING NOTICE

At a minimum, the notice of nondiscrimination must be posted prominently, in reasonable numbers and places; disseminated in internal memoranda and other written or electronic communications; included in handbooks or manuals, and made available to each participant and part of the participant's file. The notice must be provided in appropriate formats to individuals with visual impairments and a record that such notice has been given must be made a part of the participant's file. For individuals with low vision, a magnifying lens is available at WIN to enable reading of the notice.

NOTICE IN BROCHURES AND OTHER MATERIALS

The notice contained in recruitment brochures and other materials, which are ordinarily distributed to the public in written and/or oral form, electronically and/or on paper to describe programs funded by Title I of WIOA or the requirements for participation by recipients and participants, must contain the language prescribed in 29 CFR Section 37.34(a). If these materials indicate that the recipient can be reached by telephone, the materials must state the telephone number of the TDD/TTY or relay service used by the

recipient. WMS's Public Relations Coordinator will ensure that the following statement is included in all brochures and other materials:

Workforce Midsouth is a proud partner of the American Job Center network. This agency is a recipient of taxpayer funding and serves Shelby County, Fayette, and Tipton and Lauderdale Counties. The Career Center System is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. TTY: 1-800-848-0299

NOTICE IN NEWS MEDIA

Any information published or broadcast in the news media must ensure that such publications and broadcasts state that the WIOA Title I financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in such a program is prohibited by Federal law). In addition, an indication that auxiliary aids and services are available upon requests to individuals with disabilities must be included.

NOTICE IN ORIENTATION PRESENTATIONS

During orientation presentations for new participants, new employees, and/or the general public regarding the recipient's Title I WIOA-financially assisted programs or activities, the recipient will include a discussion of an individual's rights under the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Section 37. They will also be informed of their right to file a complaint of discrimination in accordance with Section V.B below.

DATA AND INFORMATION COLLECTION

Pursuant to 29 CFR 37.37, each recipient shall collect such data and maintain such records, in accordance with procedures prescribed by the Director of the CRC, as the Director of the CRC finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA or the regulations.

Such records must include but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, trainees, employees, and applicants for employment.

Each recipient must record the race/ethnicity, sex, age, and where known, disability status of every applicant, registrant, eligible applicant/registrant, participant, trainee, applicant for employment, and employee.

Such information will be stored in such a manner that ensures confidentiality and must be used only for the purposes of record-keeping and reporting; determining eligibility, where appropriate, for WIOA-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

NOTIFICATION OF COMPLAINTS/LAWSUITS

Each grant applicant and recipient will promptly notify the WIOA EO Officer and the Director of the CRC of any administrative enforcement actions or lawsuits filed against it alleging discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA Title I-financially assisted program or activity.

The requirements for the notice are set forth in 29 CFR Section 37.38.

The EO Officer will maintain a log of discrimination complaints filed pursuant to this policy. The log will include the name and address of the complainant; the ground of the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and

other pertinent information. Information that could lead to the identification of a particular individual as having filed a complaint must be kept confidential, to the greatest extent possible.

RETENTION OF RECORDS

Each recipient will collect and maintain, for a period of not less than three (3) years from the close of the applicable program year, the following records: applicant, registrant, eligible applicant/registrant, participant, terminatee, employee and applicant for employment records; and such other records as are required by the regulations or the WIOA EO Officer.

Each recipient will maintain records regarding complaints and actions taken thereunder for a period of not less than three (3) years from the date of the resolution of the complaint.

CONTRACT REQUIREMENTS. Every grant, cooperative agreement or contract for financial assistance for funding under Title I of WIOA must contain the following assurance:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Innovation and Opportunity Act

(WIOA) which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United

States or participation in any WIOA Title I - financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I - financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

Exhibits (incorporated by reference):

Equal Opportunity is the Law
Discrimination and Equal Opportunity Complaint Form

EXCEPTIONS

The WIOA Director of Programs may make exceptions to the requirements herein. Moreover, ITAs should comply with the applicable requirements and/or terms of any special grants issued by the Tennessee Department of Labor and Workforce Development (e.g., SNAP, RESEA).

INQUIRIES

Please contact Brandee Davis, WMS WIOA Director of Programs @ BDavis@workforcemidsouth.com with any questions or concerns regarding this policy.

Jay Robinson
Workforce Midsouth, Inc. Board

Adopted Date

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